

REMARKS

I. Introductory Comments

Claims 1-36, 38-47 and 49-51 are pending. Claims 1, 6, 7, 20, 32, 39, and 44 are amended. Claim 52 is newly added. Support for the amendments to the claims is found in at least paragraph 236 of Applicants' Specification.

In the Final Office Action, claims 1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 30, 31, and 32 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield et al. (U.S. Patent No. 6,564,208; hereinafter "Littlefield"). Claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of official notice. Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of the post by "Helen," beginning, "CWSApps Listing (with download) for My Deja" (hereinafter "Helen"). Claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of Veach et. al. (U.S. Patent Publication No. 2004/0267612; hereinafter "Veach"). Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of Might et al., (U.S. Patent Publication No. 2003/0177076; hereinafter "Might"). Claim 18 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 16 above, and further in view of official notice. Claim 25 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 24 above, and further in view of official notice. Claims 26-29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of Talib et. al. (U.S. Patent Publication No. 2001/0044837; hereinafter "Talib"). Claim 33 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 32 above, and further in view of Mangold et. al (U.S. Patent Publication No. 2004/0186769; hereinafter "Mangold"). Claim 34 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield and Mangold as applied to claim 33 above, and further in view of the anonymous article, "Intasys Corporation Subsidiaries Mamma.com and Intasys Billing Technologies Comment on Q3 Results

Discuss Recent Events”; hereinafter “Intasys.” Claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of Jha et. al. (U.S. Patent Publication No. 2005/0033641; hereinafter “Jha”). Claim 38 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 1 above, and further in view of Kanell (“Personal Technology: Bellsouth Putting Yellow Pages Online”; hereinafter “Kanell”). Claims 39-43 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield in view of official notice. Claims 44-47 and 49 and 51 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield. Claim 50 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Littlefield as applied to claim 45 above, and further in view of Kanell.

In view of the following arguments, all claims are believed to be in condition for allowance. Therefore, this response is believed to be a complete response to the Final Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of the claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.¹

Claim 1 as amended now recites in part

a placement heuristic, wherein said placement heuristic provides for arranging said subset of listings within said response, wherein the placement of each said listing is influenced by at least one said priority metric associated with said listing, and wherein the enhanced display fee associated with said enhanced listing lowers the impact of a per-hit fee amount for the listing on the priority metric.

Claim 1 stands rejected as allegedly obvious over Littlefield, but Littlefield does not teach or suggest the foregoing claim recitation. In the Final Office Action (page 3), the Examiner stated that “Littlefield implies that the placement of the listings is not influenced by the enhanced display fee.” According to this reasoning, Littlefield cannot teach or suggest a system in which the enhanced

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Final Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

display fee has an influence on the priority metric, which is used to help determine placement of listings. Therefore, Littlefield cannot teach or suggest “the enhanced display fee associated with said enhanced listing lowers the impact of a per-hit fee amount for the listing on the priority metric.” For at least this reason, the rejections of claim 1 and all claims depending therefrom must be withdrawn. The rejections of claims 39 and 44, and the claims depending respectively therefrom, must likewise be withdrawn.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 66703-0015. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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